UNITED STATES DISTRICT COURT
District of New Jersey

HAROLD C. "HAL" TURNER v. 4CHAN.ORG et al Doc. 3

Harold C. "Hal" Turner D/B/A Turner Radio Network D/B/A Hal Turner Radio Show Plaintiff, v. 4Chan.org 7chan.org Ebaumsworld.com NexisOnline.net Abjects.com John Doe(s) 1-1000 Defendants:	:	Hon. Peter G. Sheridan Civil Action No. 07-306(PGS) **ORDER TO SHOW CAUSE FOR TEMPORARY RESTRAINING ORDER AND MOTION FOR PRELIMINARY INJUNCTION**

Upon this Order to Show Cause, the Declaration of Harold C. "Hal" Turner, sole proprietor Plaintiff, dated January 18, 2007 and exhibits annexed thereto, the Summons and Complaint filed contemporaneously in this action and the accompanying Memorandum of Law, it is

ORDERED, that the above named defendants show cause before Judge ______________ of this Court, at Room ______, United States Courthouse, located at: 50 Walnut Street, Newark, NJ 07102 on the _______ day of _______, at _______ a.m./p.m. or as soon thereafter as counsel may be heard, why an order should not be issued, pursuant to Rule 65 of the Federal Rules of Civil Procedure, enjoining the defendants during pendency of this action from:

Dockets.Justia.com

1. Facilitating Computer Fraud and Abuse by allowing users of their web sites and/or Internet Relay Chat (IRC) and/or public message forums available through their sites (*hereafter referred to as "Internet Services")*, to conspire, organize, incite or teach how to perpetrate electronic Denial of Service attacks which flood Plaintiff's web sites with data, for the purpose of making the data and communications in interstate commerce on HalTurnerShow.com, TurnerRadioNetwork.com and PrivateWebHosting.org unavailable, in violation of 18 United States Code §1030, the "Computer Fraud and Abuse Act."

2. Facilitating Common Law Fraud by allowing users of their Internet Services, to conspire, organize, or incite Common Law Fraud with automated "bandwidth leeching" attacks designed to mimic legitimate users but in reality deliberately and maliciously increase data flow into or out of Plaintiff's web sites HalTurnerShow.com, TurnerRadioNetwork.com and PrivateWebHosting.org for the purpose of inflicting financial damage to plaintiff in an effort to force him out of business through financial ruin.

3. Facilitating Extortion by allowing users of their Internet Services to conspire organize or incite

Extortion against Plaintiff by asserting they will not stop their attacks, telephone harassment and threats of violence until Plaintiff shuts down his lawful web sites and terminates his lawful radio broadcasts.

4. Facilitating Copyright Infringement by allowing users of their Internet Services to conspire, organize, incite, make copies or publish the location of unlawful electronic copies of Plaintiff's radio show which infringe upon Plaintiff's Copyright in violation of 17 United States Code § 106

5. Facilitating telephone harassment by allowing users of their internet services to conspire organize or incite unlawful telephone harassment against The Hal Turner Radio Show.

6. Facilitating telephone harassment by allowing users of their internet services to conspire, organize or incite unlawful telephone harassment and threats of violence to the private home telephone of Harold Turner;

7. Facilitating telephone harassment by allowing users of their internet services to conspire, organize or incite unlawful telephone harassment and threats of violence to

the home telephone of Hal Turner's 62 year old mother, Mrs. Kathleen Diamond of Tunkhannock, PA

8. Facilitating Mail Fraud and Wire Fraud by allowing users of their internet services to conspire, organize or incite fraudulent requests for goods and services to be delivered to and billed to Hal Turner, in violation of 18 United States Code § 1341 and / or Wire Fraud in violation of 18 United States Code § 1343

9. Aiding and Abetting the acts referenced herein by allowing users of their Internet Services to post or publish messages to others anonymously, without means of tracking the actual identities of such users.

Ordered that application for temporary restraints is denied.

Peter ... USDJ

ORDERED that, sufficient reason having been shown therefore, pending the hearing of Plaintiff's application for a preliminary injunction, pursuant to Rule 65 of the Fed. R. Civ. P., the defendants are temporarily restrained and enjoined from engaging in all of the above referenced activity, and it is further

ORDERED that a copy of this Order and the papers upon which it is granted, be served upon Defendants by Express Mail and facsimile, on or before ______________ ______, 2007 and that such service be deemed good and sufficient notice; and it is further

ORDERED that proof of service be filed with the Clerk of this Court on or before the return date of this Motion; and it is further

ORDERED that security in the amount of $________ be posted by Plaintiff prior to the ________ day of ________, 2007 at ______ O'clock in the ______noon of that day.

SO ORDERED:

____

U.S.D.J.